

21 C.J.S. Courts § 252

Corpus Juris Secundum | May 2023 Update

Courts

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VIII. Concurrent and Conflicting Jurisdiction

A. Courts of Same State

1. In General

§ 252. Exclusive jurisdiction

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Courts](#)  [472.1](#), [472.2](#)

Where exclusive jurisdiction is conferred upon a court, no other tribunal may exercise such jurisdiction.

The jurisdiction of a particular court may, in accordance with the constitutional or statutory provisions by which it is established, be either exclusive or concurrent.¹ Exclusive jurisdiction is a court's power to adjudicate an action or class of actions to the exclusion of all other courts or tribunals.² The nature of the claim, rather than how the plaintiff phrases the request for relief, controls how a court will characterize the claim when determining whether a particular court has exclusive jurisdiction to hear the claim.³

Generally, where exclusive jurisdiction is conferred upon a court, no other tribunal may exercise such jurisdiction.⁴ However, under a state's so-called "one-trial system," a court may be authorized

to decide a claim normally falling within the exclusive jurisdiction of another court in the state, so long as at least one other claim in the action is within the traditional jurisdiction of the court in which the action is brought.⁵

Provisions defining the jurisdiction of particular state courts should be harmonized, if possible, so that each court, whether trial or appellate, may exercise the power conferred upon it without conflict with the authority confided to other tribunals.⁶

CUMULATIVE SUPPLEMENT

Cases:

Supreme Court did not have exclusive appellate jurisdiction over patients' claims challenging sovereign immunity under the procedural guarantees of the open courts provision of the Missouri Constitution, in action against state university's governing body and its physicians alleging various torts, since Supreme Court had rejected similar constitutional and other challenges to sovereign immunity and related doctrines repeatedly over the years. [Mo. Const. art. 5, § 3](#); [Mo. Const. art. 1, § 14](#); [Mo. Ann. Stat. § 537.600](#). [Butala v. Curators of University of Missouri](#), 620 S.W.3d 89 (Mo. 2021).

[END OF SUPPLEMENT]

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Footnotes

- 1
 - Fla.—[State v. Sullivan](#), 95 Fla. 191, 116 So. 255 (1928).
 - Ind.—[Marion County Auditor v. State](#), 33 N.E.3d 398 (Ind. Tax Ct. 2015).
 - Ok.—[Meyer v. Engle](#), 2016 OK CR 1, 2016 WL 298838 (Okla. Crim. App. 2016).
 - As to concurrent jurisdiction, see § 253.
- 2
 - Mo.—[State v. Meacham](#), 470 S.W.3d 744 (Mo. 2015).
 - Ohio—[Johns v. Univ. of Cincinnati Med. Assoc., Inc.](#), 101 Ohio St. 3d 234, 2004-Ohio-824, 804 N.E.2d 19 (2004).
 - Or.—[Boise Cascade Corp. v. Board of Forestry](#), 325 Or. 185, 935 P.2d 411 (1997).
- 3
 - Mich.—[Parkwood Ltd. Dividend Housing Ass'n v. State Housing Development Authority](#), 468 Mich. 763, 664 N.W.2d 185 (2003).

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Ill.—*City of Kankakee v. Department of Revenue*, 2013 IL App (3d) 120599, 370 Ill. Dec. 525, 988 N.E.2d 723 (App. Ct. 3d Dist. 2013).

N.H.—*In re Sculley*, 153 N.H. 178, 890 A.2d 914 (2006).

Paternity

Family courts do not have exclusive jurisdiction to determine paternity, given that probate courts have subject-matter jurisdiction to decide paternity for the purpose of determining heirs.

S.C.—*Neely v. Thomasson*, 365 S.C. 345, 618 S.E.2d 884 (2005).

Official immunity

(1) Where a state court of claims has exclusive jurisdiction to determine whether a state official or employee is immune from tort liability, other courts do not have jurisdiction to make such determinations.

Ohio—*Johns v. Univ. of Cincinnati Med. Assoc., Inc.*, 101 Ohio St. 3d 234, 2004-Ohio-824, 804 N.E.2d 19 (2004).

(2) Where the duty a state employee is charged with breaching is imposed solely by virtue of the individual's employment with the state, sovereign immunity attaches and exclusive jurisdiction lies in the court of claims.

Ill.—*Fritz v. Johnston*, 209 Ill. 2d 302, 282 Ill. Dec. 837, 807 N.E.2d 461 (2004).

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Mass—*Ravnikar v. Bogojavlensky*, 438 Mass. 627, 782 N.E.2d 508, 16 A.L.R.6th 815 (2003).

Summary process actions

The statute subjecting summary process actions in the district courts of specified counties to one trial in the district court department does not suggest that summary process actions are to be tried exclusively in the district courts.

Mass—*ROPT Ltd. Partnership v. Katin*, 431 Mass. 601, 729 N.E.2d 282 (2000).

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Tex.—*Morrow v. Corbin*, 122 Tex. 553, 62 S.W.2d 641 (1933).